



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): T.L. Ritzdorf, et al.
Application No.: 09/880,715
Filed: June 12, 2001
Title: METHOD FOR FILLING RECESSED MICRO-
STRUCTURES WITH METALLIZATION IN THE
PRODUCTION OF A MICROELECTRONIC DEVICE
Art Unit: 1742
Examiner: Leader, William T.
Docket No.: 114183-15

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Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

REQUEST TO SUSPEND THE
PROSECUTION OF THIS APPLICATION

Sir:

Applicants hereby request, under the provisions of 37 CFR § 1.103, that the Honorable Commissioner of Patents and Trademarks suspend the prosecution of the above-identified application pending determination of either a related Request for Reexamination or the declaration of an interference.

The ground for this request is that the present application was filed for the purpose of provoking an interference with U.S. Patent No. 6,074,544. Indeed, claim 54 presented in this application was copied verbatim from the '544 patent for the purpose of provoking an interference. Because the present application bears an effective filing date of February 4, 1998, that effective filing date is well before the effective filing date of the '544 patent of July 22, 1998.

In the outstanding Office Action of April 4, 2003, the Examiner rejected all of the claims in this application, including claim 54 copied from the '544 patent, on the ground that the subject matter of those claims would have been obvious in light of certain prior art references cited in this application. The Examiner thus observed in the Office action that he could not declare an interference on the ground that the claim was not patentable to applicants.

Applicants, however, believe that claim 54 in this application is indeed patentable in light of the prior art cited. Applicants have accordingly filed a Request for Reexamination of the '544 patent. That request, bearing

No. 90/006,989, was filed July 1, 2003. In the Request for Reexamination, the assignee of the present application, Semitool Inc., as requestor, asked the Honorable commissioner of Patents to determine that either (a) claim 54 is patentable in this application and accordingly direct that an interference be promptly declared, or, in the alternative, (b) the Honorable Commissioner of Patents should determine that the prior art cited in this application raises a substantial new issue of patentability and direct that the Request for Reexamination be granted. Quite obviously, the PTO cannot take one position with respect to claim 54 in applicants' application and a different position with respect to the same claim in the reexamination proceeding for the '544 patent.

In light of the foregoing, applicants submit that the prosecution of this application should be suspended under 37 CFR § 1.103, pending a determination as to whether claim 54 in the present application should be allowed and an interference declared or whether the Request for Reexamination should be granted and claim 1 of the '544 patent (identical to claim 54 herein) should be determined as unpatentable. In that event, all of the claims of the '544 patent should be determined to be unpatentable.

Under these circumstances, applicants submit that there is no purpose in proceeding with the examination of this application until such time as the determination of the interference and/or the Request for Reexamination proceedings has been made. Applicants hereby submit that the prosecution of this application should be accordingly suspended pending determination of the interference and/or reexamination proceedings.

Applicants do not believe there is a fee associated with the filing of the foregoing Request To Suspend The Prosecution Of This Application. If there is a fee associated with the foregoing, the Commissioner is hereby authorized to debit our Account No. 23-0280. A duplicate copy of this document is enclosed.

Respectfully submitted,




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July 29, 2003

CERTIFICATE OF MAILING (37 C.F.R. § 1.10)

I hereby certify that this correspondence is, on the date shown below, being deposited with the United States Postal Service United States Postal Service as Express Mail Post Office to Addressee, No. EV292453481US, with sufficient postage, under 37 C.F.R. § 1.10 and addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on July 29, 2003.



Eileen M. Madrigal